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TAGS: PGOV PHUM SNAR KJUS PTER CO

SUBJECT: REPRESENTATIVE LOWEY GETS JUSTICE AND PEACE LAW
UPDATE FROM PROSECUTOR GENERAL

Classified By: Charge d'Affaires Milton K. Drucker;
Reasons 1.4 (b) and (d)

SUMMARY

¶1. (C) Representative Nita Lowey (D-NY) and House Appropriations Committee, Subcommittee on Foreign Operations Minority Clerk Nisha Desai met with Prosecutor General (Fiscal) Mario Iguaran to discuss implementation of the Justice and Peace (J&P) Law on February 20. Iguaran thanked Lowey for her support for Colombia and USG training of Colombian prosecutors. Iguaran assured Representative Lowey that his prosecutors will use all possible sources of information to bring cases against demobilized combatants. He explained which demobilized combatants will be eligible for J&P benefits. Iguaran told Lowey that he expected all major United Self Defense Forces (AUC) leaders would be processed under the J&P Law. He also clarified that narcotraffickers would not be able to avail themselves of J&P benefits, but those who participated in narcotics trafficking while members of illegal armed groups, in furtherance of these groups' objectives, would be able to seek J&P benefits. Iguaran confirmed that reparations are a key component of the J&P Law. With respect to human rights cases, Iguaran said his office made its first arrest over the weekend in connection with human rights abuses at San Jose de Apartado.

IGUARAN APPRECIATES USG ASSISTANCE

¶2. (U) Representative Nita Lowey and Minority Clerk Nisha Desai met with Prosecutor General Mario Iguaran on February ¶20. Lowey thanked Iguaran for taking the time to meet with her to discuss the J&P Law, which she said was critical for the future of Colombia. She noted that she had met President Uribe many times, most recently on February 19 in Washington, and was impressed by his commitment to resolving the difficult and complex problems facing Colombia. Iguaran thanked Lowey for her support for Colombia and USG training of Colombian prosecutors.

PROSECUTIONS:
INFORMATION FROM ALL SOURCES WILL BE CONSIDERED

¶3. (C) Representative Lowey asked about progress toward prosecution of demobilized combatants and whether the statements combatants made at the time of demobilization were "full" and would prove useful in later prosecutions. Iguaran noted that statements made at the time of demobilization

would be supplemented by confessions when demobilized combatants formally asked to be considered for J&P Law benefits. Such confessions are required to be "full;" if discovered to be otherwise, the petitioner would lose all right to J&P Law benefits. Iguaran also stressed that all sources of information, not just statements or confessions from the demobilized themselves, would be considered when bringing cases. He noted that the Prosecutor General's office, thanks to USG assistance, was strengthening its database of information about crimes committed by illegal armed group members. He also said information from civil society and victims would be key in these prosecutions. Iguaran agreed with Lowey that ensuring victims felt safe enough to cooperate with authorities remained a concern. He stressed the importance of continued USG support for technical training of prosecutors and continued strengthening of the Fiscalia's database.

J&P MECHANICS: ELIGIBILITY FOR BENEFITS

¶4. (C) Iguaran and his staff explained that, to date, no one had sought or been granted J&P benefits because the Minister of Interior and Justice has not yet forward the list of ex-combatants eligible for these benefits. He expected to receive it after the demobilization process was complete. Iguaran also told Lowey that he expected all major AUC players would be on this list. In response to Lowey's concerns that narcotraffickers might benefit from the J&P Law, Iguaran said only narcotics trafficking offenses (or other crimes) committed while a member of an illegal armed group, and in furtherance of that group's goals, are covered by the Law. Narcotics traffickers who attempted to join the

AUC to get J&P benefits would not be allowed to do so, he said.

REPARATIONS WON'T BE NEGLECTED

¶5. (C) While praising Colombia's efforts to demobilize members of illegal armed groups, Representative Lowey expressed concern about reparations for victims. Iguaran assured Lowey that reparations are a key component of the J&P Law. He said the Law requires reparations, including compensation and restitution, as well as collective and symbolic reparations. He added that there can be no J&P Law benefits without reparations. For example, recently demobilized AUC leader Ramon Isaza has stated he does not regret actions taken while an AUC member. According to Iguaran, Isaza will have to publicly acknowledge his crimes and ask for pardon before he can request J&P benefits.

PROGRESS ON HUMAN RIGHTS CASES:
ONE ARREST RELATED TO SAN JOSE DE APARTADO

¶6. (C) Finally, Iguaran noted that there has been some progress on human rights cases related to San Jose de Apartado. The challenge is to build trust with the residents of San Jose de Apartado so that they share information with the Prosecutor General's office and, ultimately, testify against their abusers. He said he has been trying to build this trust. He also said that he sent eight prosecutors and 25 investigators to San Jose in November and December to gather information, that 50 arrest warrants have been issued in relationship to San Jose de Apartado, and that the first arrest was made just two days before. (He did not provide more information about this arrest. Post will continue to monitor progress on cases related to San Jose de Apartado.) Representative Lowey thanked the Prosecutor General for this efforts to resolve these cases.

¶7. (U) Representative Lowey did not clear this cable.
DRUCKER